


AND NOW, THIS 3rd DAY OF
Nov 08, IT IS HEREBY
ORDERED THAT THE WITHIN
MOTION IS DENIED.


GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CROWN COAL & COKE COMPANY,

Plaintiff,

v.

COMPASS POINT RESOURCES, LLC,
JAMES H. HOYT, and
COURTENAY O. TAPLIN,

Defendants.

)
) Civil Action No. 2:07-cv-1208

)
) Judge Gary L. Lancaster

)
) DEFENDANTS' MOTION TO STRIKE
) OR IN THE ALTERNATIVE, MOTION
) FOR LEAVE TO FILE A RESPONSE TO
) THE PLAINTIFF'S STATEMENT OF
) ADDITIONAL MATERIAL FACTS IN
) OPPOSITION TO THE DEFENDANTS'
) MOTION FOR SUMMARY JUDGMENT
)

Defendants, Compass Point Resources, LLC, James H. Hoyt and Courtenay O. Taplin ("Defendants"), by and through their counsel, hereby move the Court to strike the Plaintiff's Response to Defendants' Statement of Additional Material Facts in Opposition to the Plaintiff's Motion for Summary Judgment that was filed by the Plaintiff Crown Coal & Coke Company ("Crown Coal") on October 24, 2008. In support of their Motion to Strike, Defendants state that the Court established a dispositive motion procedure for this case pursuant to Local Rule 56.1(A) during its status conference on July 9, 2008, and reflected in its Order in Document 54 of the filings. The Court granted Defendants' leave to file a motion for summary judgment by August 25, 2008. The Plaintiff was given the opportunity to respond to Defendants' Motion and also file a cross motion for summary judgment by September 24, 2008, and Defendants were granted until October 9, 2008 to respond to Plaintiff's cross motion. No additional filings were scheduled or allowed under this Order. Because the Plaintiff's response to the Defendants'